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In re Application of	:	DECISION ON
DIETRICH et al	:	
Application No.: 10/501,750	:	
PCT No.: PCT/DE02/00027	:	
Int. Filing Date: 08 January 2002	:	PETITION UNDER
Priority Date: NA	:	
Attorney's Docket No.: 2002P00211WOUS	:	
For: IMPROVED DATA PROTECTION FOR	:	
POSITION DEPENDENT SERVICES	:	37 CFR 1.137(b)

This decision is in response to applicant's "Petition For Revival Of An Application For Patent Abandoned Unintentionally Under 37 CFR 1.137(b)," filed on 12 July 2005. The petition fee of \$1,500.00 under 37 CFR 1.17(m) has been charged to Deposit Account No.: 19-2179 as indicated in the faxed filed on 12 July 2005.

BACKGROUND

On 08 January 2002, this international application was filed. A copy of the intentional application was transmitted on 17 July 2003 to the USPTO from the International Bureau. The deadline for paying the basic national fee in the United States under 35 U.S.C. 371 and 37 CFR 1.495 was 08 July 2004. This international application became abandoned with respect to the United States at midnight on 08 July 2004 for failure to pay the required basic national fee.

On 15 July 2004, applicant filed in the United States Patent and Trademark Office (PTO) a transmittal letter for entry into the national stage in the U.S. under 35 U.S.C. 371, which was accompanied by, *inter alia*, the copy of the international application, and an executed declaration, and the national basic fee.

On 03 June 2005, the United States Patent and Trademark Office mailed the Notification of Abandonment (PCT/DO/EO/909) since applicant has failed to provide the Copy of the International Application by 30 months (37 CFR 1.495(b)(1)).

On 12 July 2005, applicants faxed the instant petition under 37 CFR 1.137(b), which was accompanied by the petition fee.

DISCUSSION

A grantable petition to revive an abandoned application under 37 CFR 1.137(b) must be accompanied by (1) the required reply, unless previously filed; (2) the petition fee as set forth in § 1.17(m); and (3) a statement that the entire delay in filing the required reply from the due date for the reply until the filing of a grantable petition pursuant to this paragraph was unintentional. The Commissioner may require additional information where there is a question whether the delay was unintentional; and (4) any terminal disclaimer (and fee as set forth in § 1.20 (d)) required pursuant to paragraph (c) of this section.

Petitioner has provided: (1) the proper reply by having submitted the basic national filing fee, and an English translation of the international application, (2) the petition fee set forth in § 1.17(m), and (3) the proper statement under 137(b)(3). In this application, no terminal disclaimer is required.

Accordingly, the petition is deemed to satisfy requirements (1), (2), (3), and (4) under 37 CFR 1.137(b).

DECISION

The petition under 37 CFR 1.137(b) is GRANTED.

This application is being returned to the United States Designated/Elected Office (DO/EO/US) for continued processing. The 35 USC 371(c)(1), (c)(2), and (c)(4) date of this application is 15 July 2004.



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